IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 28TH SEPTEMBER 2006 / 6TH ASWINA 1928

Bail Appl..No. 5866 of 2006

CMP.9892/2006 of J.M.F.C.-I,KOTTARAKKARA
CRIME NO.1012/2006 OF KOTTARAKKARA POLICE STATION

.....

PETITIONER/THIRD ACCUSED

NIKHIL, S/O.ABDUL AZEEZ,
RAJAMALLY VEETTIL, MANNADI MURI,
KADAMPANADU VILLAGE, KUNNATHOOR TALUK.

BY ADV. SRI.V.N.ACHUTHA KURUP (SR.)
SRI.BINDU SREEKUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5866/2006

DATED THIS THE 28TH DAY OF SEPTEMBER, 2006

O R D E R

The petitioner is the third accused in crime No.1012/2006 of Kottarakkara Police Station for the offence punishable under Sections 143, 147, 148, 332, 308 and 427 IPC read with Section 149 IPC and also under Section 3(1) of the P.D.P.P Act. Following the road accident and killing a person on 6.9.2006, the accused became infuriated and assaulted the police personnel. Hence the offence.

2. I had directed the prosecutor to place before me the wound certificate, which reveal that there was no grievous injuries. The allegation is that the accused had assaulted the police personnel with hand.

3. The learned senior counsel Mr.V.N. Achuthakurup had submitted that the petitioner is a practicing lawyer and he was not present during the occurrence. He alighted from the bus and was

proceeding to his house, when he was apprehended, submit the counsel.

4. Without discussing on the merit of the matter, and considering the duration of the judicial detention together with the injuries sustained by the persons involved in the occurrence, I grant bail and release the petitioner from jail, subject to the following condition:-

> The petitioner shall execute a bond for Rs.20,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-I, Kottarakkara.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs